

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

BELLIN MEMORIAL HOSPITAL, INC.,

Plaintiff,

v.

Case No. 07-C-685

BAY LAKES COOPERATIVE HEALTH PLAN, et al.,

Defendants.

ORDER REMANDING CASE

Plaintiff has moved for a remand of this case to state court on the grounds that removal was not properly effected. The removing defendant, Gerber Life Insurance, has acquiesced in the remand and conceded that removal may have been defective. It notes, however – in an effort to rebuff the plaintiff's desire for fees and costs pursuant to 28 U.S.C. § 1447(c) – that it had a reasonable basis for seeking removal and that the law is not as clear as the plaintiff has perhaps portrayed it. I am satisfied that fees and costs are not warranted, but the motion to remand will be granted and the case will be **REMANDED** to the Brown County Circuit Court. Given the remand, I will decline to enter any substantive ruling on the pending motion to dismiss.

SO ORDERED this 4th day of September, 2007.

s/ William C. Griesbach
William C. Griesbach
United States District Judge